IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 469 OF 2006

IN

CIVIL SUIT NO. 2 OF 2003

CRAG MARTIN DISTILLERY PVT.LTD., QUEPEM GOA. ....Applicant

Versus

HERBERTSONS LTD.,MUMBAI. ....Respondent

Ms. Pooja Bharne, Advocate for the applicant.

Mr. Y. V. Nadkarni, Advocate for the respondent.

Coram:- P.V. KAKADE, J.

Date:- 17th October, 2006

P.C.

Heard learned Counsel for both the parties. Perused the record. This is an application for amendment of the written statement in order to bring on record the subsequent events which occurred after filing of the application.

The learned Counsel for the respondents vehemently opposed the application on the ground that this application was filed at belated stage as the evidence of the plaintiff is over.

However, on perusal of the entire pleadings vis-a-vis the proposed amendment of the written statement, it is seen that it relates to the subsequent events and, therefore, in order to effectively adjudicate upon all the issues between the parties, it would be necessary to incorporate the amendment in the written statement. In view of this position, the application for amendment is allowed in terms of prayer clause made therein. The amendment sought to be made shall be at para

23A to 23F. Needless to mention that both the parties shall be entitled to lead further evidence, if any, on the basis of the the amended written statement and the facts contained therein. With these directions, the application stands disposed of with no order as to costs.

P.V. KAKADE, J.

ssm.